

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

FREDDIE MONTANO,

Plaintiff,

vs.

No.

WAGNER EQUIPMENT CORP. and STATE OF NEW MEXICO,
Defendants.

COMPLAINT FOR PERSONAL INJURY

COMES NOW Plaintiff Freddie Montano, by and through his attorney of record Amavalise F. Jaramillo, Esq., and in support of his Complaint for Personal Injury states as follows:

- 1) Plaintiff Freddie Montano is a resident of the State of New Mexico.
- 2) Defendant Wagner Equipment is a corporation incorporated under the laws of Colorado and whose principle place of business is Aurora Colorado.
- 3) Plaintiff claims damages for personal injuries in excess of \$75,000.00.
- 4) On August 14, 2009, Defendant Wagner Equipment Corp., through its employee Sammy Montoya, while in the scope of his duties was operating a white Ford pickup owned by Wagner Equipment.
- 5) Plaintiff Freddie Montano, was an NMDOC inmate travelling in a transport van owned and operated by the State of New Mexico through its employee George Garcia.
- 6) While in the process of changing lanes Defendant Wagner Equipment's vehicle struck the vehicle transporting Plaintiff.

- 7) Defendant Wagner Equipment through its employee Sammy Montoya had a duty to safely and with due caution and care operate the Ford pickup which is the subject of this suit.
- 8) Defendant breached the duties enumerated in paragraph 7, by striking the trailer pulled by the transport van in which Mr. Montano was riding, from behind.
- 9) The State of New Mexico through its employee George Garcia had a duty to properly operate the transport van and trailer with due care and caution and to obey all the traffic laws of the State of New Mexico.
- 10) The State of New Mexico had a duty to properly maintain said transport van and insure that all lights and other equipment were functioning properly.
- 11) The State of New Mexico breached the duties mentioned in paragraph 10.
- 12) As a proximate result of the breach of duties mentioned in paragraphs 7 and 10, Plaintiff Freddie Montano sustained permanent personal injuries and is in need of future medical care.
- 13) Wherefore Plaintiff asks that this Court enter an order making him whole as to all damages that may be proven at trial including compensatory, incidental, consequential, punitive and any other relief the Court deems just and proper.
- 14) Plaintiff further asks this Court for an award of attorney's fees and costs as well as pre and post judgment interest.

Respectfully submitted:

/s/ Amavalise F. Jaramillo
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